

REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on April 2, 2008. At the time the Examiner mailed the Office Action, claims 1-46 were pending. By way of the present response applicant has: 1) amended claims 1 and 35; and 2) added no claims; and 3) canceled no claims. As such, claims 1-46 are now pending. No new matter has been added. Reconsideration of this application as amended is respectfully requested.

Claim Rejections – 35 U.S.C. § 112

Claim 35 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claim 35 to replace the phrase “may be via” with “is effected by.” Accordingly, applicant respectfully submits that the rejection of claim 35 has been overcome.

Claim Rejections – 35 U.S.C. §102

Claims 1-4, 14-18, 21, 23-27, 36, 38-42 and 44-46 stand rejected under 35 U.S.C. §102(b) as being anticipated by Norman, (U.S Patent No. 6,635,067, hereinafter “Norman”). Norman describes a liquid-cooled, hand-held surgical tool.

Regarding claim 1, Norman fails to disclose a hand tool “characterized in that a **gaseous** fluid is supplied to said fluid inlet from an external fluid source.” (Claim 1) (emphasis added). In contrast, Norman discloses the use of a liquid, not gaseous fluid: “a cooling fluid, **such as de-ionized water or saline**, is forced into the internal passage via the inlet port.” (Norman, col. 2, lines 3-5) (emphasis added). “[T]he

powered surgical handpiece incorporates a unique housing that directs a cooling **liquid** across the motor.” (Norman, col. 6, lines 6-7) (emphasis added).

Furthermore, Norman fails to disclose, “a controller configured to turn off the motor if the pressure of gaseous fluid passing through the void space falls below a predetermined level.” (Claim 1). Norman does not address the pressure of the liquid within the surgical tool, much less describe reacting to a change in pressure.

Accordingly, applicant respectfully submits that the rejection of claim 1 has been overcome.

Given that claims 2-4, 14-18, 21, 23-27, 36, 38-42 and 44-46 are dependent upon claim 1, and include additional features, applicant respectfully submits that the rejection of claims 2-4, 14-18, 21, 23-27, 36, 38-42 and 44-46 has been overcome for at least the same reasons as above.

Claim Rejections – 35 U.S.C. §103

Claims 5-13 and 29-37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Norman in view of Sjostrom et al., (U.S. Patent No. 5,712,543, hereinafter, “Sjostrom”).

Sjostrom describes a magnetic switching element for controlling a surgical device. Sjostrom, like Norman, fails to disclose a hand tool

characterized in that a gaseous fluid is supplied to said fluid inlet from an external fluid source, and a controller configured to turn off the motor if the pressure of gaseous fluid passing through the void space falls below a predetermined level.

(Claim 1).

Given that claims 5-13 and 29-37 are dependent upon claim 1, and include additional features, and given that Sjostrom fails to remedy the shortcomings of Norman, applicant respectfully submits that the rejection of claims 5-13 and 29-37 has been overcome for at least the same reasons as above.

Claim 43 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Norman.

Given that claim 43 is dependent upon claim 1, and includes additional features, applicant respectfully submits that the rejection of claim 43 has been overcome for at least the same reasons as above.

CONCLUSION

Applicant respectfully submits that in view of the amendments and arguments set forth herein, the applicable objections and rejections have been overcome.

Applicant reserves all rights under the doctrine of equivalents.

Pursuant to 37 C.F.R. 1.136(a)(3), applicant hereby requests and authorizes the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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